

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
V.)	Criminal No. 05-10137-NMG
)	
)	
OZELIO PEREIRA DE ASSIS,)	
)	
Defendant.)	

**ASSENTED-TO MOTION TO EXCLUDE THE TIME
FROM JUNE 2, 2005 THROUGH JULY 14, 2005,
AND FOR AN ORDER ON EXCLUDABLE DELAY**

The United States hereby moves move, pursuant to 18 U.S.C. §3161(h)(8)(A) and Section 5(c)(1)(A) of the Plan for the Prompt Disposition of Criminal Cases of the United States District Court for the District of Massachusetts, to exclude the time within which trial must commence under 18 U.S.C. §3161(c)(1), excluding from such computation all time, commencing on June 2, 2005 (date of arraignment), and concluding on July 14, 2005 (date of the rescheduled initial status conference).

As grounds therefor, the undersigned states that the defense counsel has sought a three day continuance of the initial status conference due to a conflict in counsel's schedule, and the Court has granted said request.

WHEREFORE, the parties respectfully request, under 18 U.S.C. §3161(h)(8)(A) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice are served by granting the requested exclusion, and that said exclusion outweighs the best

interest of the public and the defendants in a speedy trial, and, accordingly, exclude all time, **commencing on June 2, 2005, and concluding on July 14, 2005**, in computing the time within which trial must commence under 18 U.S.C. §3161, and request that the Court enter an Order of Excludable Delay.

Counsel for the defendant, Roger Witkin, Esq., has given his assent to this motion.

MICHAEL J. SULLIVAN
United States Attorney
By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney
(617) 748-3103

Dated: June 10, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document electronic court filing and/or regular mail:

Roger Witkin, Esq.
6 Beacon Street, Suite 1010
Boston, MA 02108

This 10th day of June, 2005.

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney